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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,915	12/04/2003	Doree Duncan Seligmann	630-055US	7569

47912 7590 10/09/2007
DEMONT & BREYER, LLC
100 COMMONS WAY, STE 250
HOLMDEL, NJ 07733

EXAMINER

FRITZ, BRADFORD F

ART UNIT	PAPER NUMBER
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2141

MAIL DATE	DELIVERY MODE
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10/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/727,915	Applicant(s) SELIGMANN ET AL.	
	Examiner Bradford F. Fritz	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3. Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :5/24/07,6/1/06, 11/17/05, 6/14/04, 12/22/03.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 29-52 rejected under 35 U.S.C. 102(e) as being anticipated by Vassilovski (6,813,264).

3. Regarding claim 29, Vassilovski disclosed selecting one of a plurality of physical media for sending a message from a first telecommunications terminal to a second telecommunications terminal (column 2, lines 41-51 and column 3, line 45 – column 4, line 3), based on the semantic content of said message (column 2, lines 41-51).

4. Regarding claims 30, 33, 36, and 39, Vassilovski disclosed where each of said physical layer protocols is associated with a respective degree of security (column 2, line 60 – column 3, line 8 and column 2, lines 18-26), and wherein the selection is also based on said respective degrees of security (column 2, line 60 – column 3, line 8 and column 2, lines 18-26).

5. Regarding claims 31, 34, 37, and 40, Vassilovski disclosed where the selection is also based on the user to whom said message is directed (column 2, lines 41-51).

6. Regarding claim 32, Vassilovski disclosed selecting one of a plurality of physical layer protocols for sending a message from a first telecommunications terminal to a second telecommunications terminal (column 2, lines 41-51 and column 3, line 45 – column 4, line 3), based on the semantic content of said message (column 2, lines 41-51).
7. Regarding claim 35, Vassilovski disclosed selecting one of a plurality of medium access controls for sending a message from a first telecommunications terminal to a second telecommunications terminal (column 2, lines 41-51 and column 3, line 45 – column 4, line 3), based on the semantic content of said message (column 2, lines 41-51).
8. Regarding claim 38, Vassilovski disclosed selecting one of a plurality of networks for sending a message from a first telecommunications terminal to a second telecommunications terminal (column 2, lines 41-51 and column 3, line 45 – column 4, line 3), based on the semantic content of said message (column 2, lines 41-51).
9. Regarding claim 41, Vassilovski disclosed selecting one of a plurality of physical media for sending a message based on the user to whom said message is directed (column 2, lines 41-51).
10. Regarding claims 42, 45, 48, and 51, Vassilovski disclosed where each of said physical media is associated with a respective degree of security (column 2, line 60 – column 3, line 8 and column 2, lines 18-26), and wherein the selection is also based on said respective degrees of security (column 2, line 60 – column 3, line 8 and column 2, lines 18-26).

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11. Regarding claims 43, 46, 49, and 52, Vassilovski disclosed where the selection is also based on the user who sends said message (column 2, lines 41-51).

12. Regarding claim 44, Vassilovski disclosed selecting one of a plurality of physical layer protocols for sending a message based on the user to whom said message is directed (column 2, lines 41-51).

13. Regarding claim 47, Vassilovski disclosed selecting one of a plurality of medium access controls for sending a message based on the user to whom said message is directed (column 2, lines 41-51 and column 3, line 45 – column 4, line 3).

14. Regarding claim 50, Vassilovski disclosed selecting one of a plurality of networks for sending a message based on the user to whom said message is directed (column 2, lines 41-51 and column 3, line 45 – column 4, line 3).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradford F. Fritz whose telephone number is 571-272-3860. The examiner can normally be reached on 8:00 - 4:30.

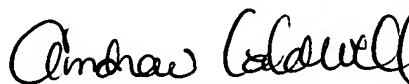
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BF

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ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER